

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 RENE-FABRICIO: DIAZ,  
12 JUAN-JOSE: VADO,  
13 Sramineus Homo, US Vessel

No. C-08-0835 MMC

**ORDER OF DISMISSAL**

14 Libellant,

v.

15 CITI BANK, US Vessel  
16 DOES, ROES, and MOES 1-100, et al.,  
17 US Vessel sand

Libellees,

18 RENE-FABRICIO: DIAZ  
19 JUAN-JOSE: VADO  
20 Lien Holders of the Vessel, the Real Party  
In Interest, Lawful Man  
21 Injured Third Party Intervenor/ Petitioner/  
Libellant,

v.

22 CITI BANK, U.S. Vessel,  
23 DOES, ROES, and MOES 1-100, et al.,  
24 US VESSELS

INDIVIDUALLY AND SEVERALLY  
25 Third Party Defendants/Libellees

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26  
27 On February 12, 2008, the Court ordered Rene-Fabricio Diaz and Juan-Jose Vado  
28 (collectively, "petitioners") to show cause, no later than February 29, 2008, why the instant

1 "Petition for Libel of Review of an Administrative Judgment" ("Petition"), should not be  
 2 dismissed in light of petitioners' having failed to allege any facts that could state a claim  
 3 under either state or federal law, and having failed to allege the existence of an  
 4 administrative decision.<sup>1</sup>

5 On February 29, 2008, petitioners filed three documents, titled, respectively, "Notice  
 6 of Appointment of Fiduciary Trustee," "Notice of Acceptance of Oath of Office and Bond,"  
 7 and "Memorandum of More Definitive [sic] Statement"; in none of such documents,  
 8 however, did petitioners state facts that would support a cognizable claim for relief.  
 9 Accordingly, by order filed March 11, 2008, the Court dismissed the petition for failure to  
 10 state a claim, and afforded petitioners the opportunity to file, no later than April 7, 2008, an  
 11 amended complaint curing the deficiencies noted.

12 On April 7, 2008, petitioners filed six documents, the first three of which are titled,  
 13 respectively, "Certificate of Service," "Letter Rogatory,"<sup>2</sup> and "Notice to Show Cause." The  
 14 latter three documents consist of a copy of an order in an apparently unrelated proceeding  
 15 in the Northern District of Ohio, and copies of two news articles concerning the state of the  
 16 American legal system. Petitioners fail to explain the significance of said documents, and  
 17 the documents appear wholly unrelated to the allegations made against the defendant to  
 18 the instant action.

19 In sum, having been afforded multiple opportunities to state a claim, petitioners have  
 20 failed to state facts describing their cause of action and alleged injury, or to assert any  
 21 cognizable legal theory upon which petitioners could potentially recover. Under such

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22  
 23 <sup>1</sup> Petitioners allege, for example, "all parties are U.S. Vessels and fit the legal  
 24 definition of a U.S. Vessel." (See Pet. ¶ 15.) Contrary to such assertion, petitioners are  
 25 individuals and have named a banking institution as a defendant. Petitioners further allege  
 26 "[t]he cargo is shipped via U.S. Postal Service and all parties are subject to the Postal  
 27 Codes in this instant action," (see id. ¶ 18), and assert the "Law of the flag: Man is created  
 28 in the image of God and to reduce a man to chattel against the national debt is an affront to  
 God. Exodus, 13:16 and Genesis 1:27," (see id. ¶ 10).

2 This document states, *inter alia*: "Your company, UNITED STATES DISTRICT  
 27 COURT inc. holds itself out as an article three court when in fact it is an administrative  
 28 department of the executive branch of the private defacto governing corporation doing  
 business as THE UNITED STATES inc." (See Pets.' "Letter Rogatory" at 2:6-9.)

1 circumstances, the Court finds further amendment would be futile.

2 Accordingly, the above-titled action is hereby DISMISSED without further leave to  
3 amend, for failure to state a claim.

4 **IT IS SO ORDERED.**

5 Dated: April 10, 2008

  
MAXINE M. CHESNEY  
United States District Judge

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